

*SC NAACP v. Alexander,*  
D.S.C. Case No. 3:21-cv-03302-MGL-TJH-RMG

# **Exhibit 5**

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

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4 THE SOUTH CAROLINA STATE  
5 CONFERENCE OF THE NAACP

6 and

7 TAIWAN SCOTT, ON BEHALF OF HIMSELF  
8 AND ALL OTHER SIMILARLY SITUATED  
PERSONS,

Case No.  
3:21-CV-03302  
JMC-TJH-RMG

9 Plaintiffs,

10 Vs.

11 THOMAS C. ALEXANDER, IN HIS OFFICIAL  
12 CAPACITY AS PRESIDENT OF THE SENATE;  
13 LUKE A. RANKIN, IN HIS OFFICIAL CAPACITY  
14 AS CHAIRMAN OF THE SENATE JUDICIARY  
15 COMMITTEE; MURRELL SMITH, IN HIS OFFICIAL  
16 CAPACITY AS SPEAKER OF THE HOUSE OF  
17 REPRESENTATIVES; CHRIS MURPHY, IN HIS  
18 OFFICIAL CAPACITY AS CHAIRMAN OF THE  
19 HOUSE OF REPRESENTATIVES JUDICIARY  
20 COMMITTEE; WALLACE H. JORDAN, IN HIS  
21 OFFICIAL CAPACITY AS CHAIRMAN OF THE HOUSE  
OF REPRESENTATIVES ELECTIONS LAW  
SUBCOMMITTEE; HOWARD KNAPP, IN HIS  
OFFICIAL CAPACITY AS INTERIM EXECUTIVE  
DIRECTOR OF THE SOUTH CAROLINA STATE  
ELECTION COMMISSION; JOHN WELLS, JOANNE  
DAY, CLIFFORD J. EDLER, LINDA MCCALL,  
AND SCOTT MOSELEY, IN THEIR OFFICIAL  
CAPACITIES AS MEMBERS OF THE SOUTH  
CAROLINA STATE ELECTION COMMISSION,

Defendants.

-----x

22 STENOGRAPHIC REMOTE VIRTUAL DEPOSITION  
23 CHARLES TERRENI  
24 Tuesday, August 16, 2022  
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TERRENI

in that lawsuit, but I don't specifically recall, but it wouldn't surprise me.

Q. Did you consider or are you aware of anyone in the Senate who considered any sources of data on voting behavior as congressional maps were developed?

A. I'm sorry, I'm having trouble with that question. Could you restate it for me? Maybe if I hear it again.

Q. Let me strike that. I'm going to move on to something else.

You cited the Colleton County case. Do you dispute or have a basis to dispute that there is -- that there continues to be racially polarized voting in South Carolina?

A. I don't know one way or the other honestly. I mean I have heard people say it, express their views on that both ways.

Q. But you are not aware of

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whether a racially polarized voting  
analysis was conducted or are you  
aware whether racially polarized  
voting analysis was conducted by the  
Senate as maps were being developed  
for Congress?

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A. I am not aware that a  
racially polarized voting analysis  
was conducted by the Senate as maps  
were being developed for Congress.  
I have no knowledge of such a thing  
and I don't believe it occurred.

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Q. Are you aware whether the  
public or legislative members asked  
for racially polarized voting  
analysis to be conducted while  
congressional maps were being  
considered?

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A. I'm aware that some members  
of the public and one member of the  
general assembly, at least, Senator  
Harpootlian, asked or suggested that  
it should be done.

25

Q. And do you know whether

1 TERRENI

2 that was acted upon?

3 A. Yeah. I know it wasn't.

4 Q. Who made the decision not  
5 to act upon those requests?

6 A. The subcommittee.

7 Q. Did they take a vote on  
8 that?

9 A. I think they have. It was  
10 during the, or at least they  
11 declined to take a vote on it, but  
12 the discussion we had in a public  
13 subcommittee meeting in which  
14 Senator Harpootlian advanced the  
15 opinion that we should have a  
16 racially polarized voting analysis  
17 conducted in advance of the Senate  
18 and congressional process. I  
19 expressed the opinion that it was  
20 not useful. And the Senate, we did  
21 not, at least implicitly, the  
22 subcommittee did not agree with  
23 Senator Harpootlian, and I mean that  
24 just the Senate did not vote or  
25 direct us to conduct that. I

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shouldn't say we. I can't speak for

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them.

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After this question can we

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take just a five-minute break?

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MS. ADEN: Yes. Why don't we

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stop and we will return to that.

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THE WITNESS: I appreciate

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that. We will come back at three

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maybe. Is that okay?

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MS. ADEN: Sounds great.

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(Whereupon, there is a recess

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in the proceedings.)

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Q. Before the break I believe

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you mentioned not agreeing that a

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racially polarized voting analysis

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was necessary, at least in the early

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part of 2021. Can you explain why?

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A. Yes, ma'am. We had no

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reason to believe at the time that

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we were going to have an issue with

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Section 2 compliance. No claims had

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been asserted. Nobody really

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threatened them. The sixth

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congressional district which would